

Senate File 390

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1 3 AN ACT
1 4 RELATING TO CERTAIN ALTERNATIVE FORMS OF COUNTY AND CITY
1 5 GOVERNMENT BY PROVIDING FOR COUNTY REDISTRICTING AND
1 6 REPRESENTATION, CHARTER COMMISSION ADMINISTRATION, APPLICATION
1 7 OF VARIOUS STATUTORY REQUIREMENTS, THE MANNER IN WHICH A
1 8 CHARTER MAY BE PROPOSED AND ADOPTED, AMENDMENT OF A CHARTER,
1 9 THE ORGANIZATION OF THE GOVERNING BODY, AND INCLUSIONS IN A
1 10 CHARTER, MAKING TECHNICAL CHANGES RELATING TO THE ADMINISTRA-
1 11 TION AND AUTHORITY OF A CITY-COUNTY CONSOLIDATED GOVERNMENT
1 12 AND A COMMUNITY COMMONWEALTH, ALLOWING FORMATION OF LOCAL
1 13 GOVERNMENT ORGANIZATION REVIEW COMMITTEES, AND INCLUDING
1 14 EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

1 15
1 16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 17
1 18 Section 1. Section 331.210A, subsection 2, Code 2003, is
1 19 amended by adding the following new paragraph:
1 20 NEW PARAGRAPH. f. (1) Notwithstanding the provisions of
1 21 this section to the contrary, for a county with a population
1 22 of one hundred eighty thousand or more that has adopted a
1 23 charter for a city-county consolidated form of government or a
1 24 community commonwealth form of government and which charter
1 25 provides for representation by districts, the legislative
1 26 service bureau, and not the temporary county redistricting
1 27 commission, shall draw a first or second plan as necessary and
1 28 required by paragraph "a" pursuant to a contract executed with
1 29 the county. The plan drawn by the legislative service bureau
1 30 shall be based upon the precinct plan adopted for use by the
1 31 county and shall be drawn in accordance with section 42.4, to
1 32 the extent applicable.

1 33 (2) The plan drawn by the legislative service bureau shall
1 34 be submitted to the temporary county redistricting commission
1 35 which shall not amend the plan and which shall perform the
2 1 duties required by paragraphs "b" and "c" concerning the plan.
2 2 The temporary county redistricting commission shall accept the
2 3 plan in total or it may request and contract to have a second
2 4 plan prepared by the legislative service bureau. In doing so,
2 5 the temporary county redistricting commission shall state its
2 6 objections to the first plan in writing.

2 7 (3) After the requirements of paragraphs "b" and "c" have
2 8 been met with respect to either a first or second plan, the
2 9 plan drawn by the legislative service bureau and accepted by
2 10 the temporary county redistricting commission shall be
2 11 submitted to the governing body for its approval or rejection.
2 12 If the plan drawn by the legislative service bureau and
2 13 accepted by the temporary county redistricting commission is
2 14 rejected by the governing body, the governing body may
2 15 consider and accept the other plan submitted by the
2 16 legislative service bureau to the temporary county
2 17 redistricting commission, if any, or shall direct the
2 18 temporary county redistricting commission to prepare another
2 19 plan as provided by paragraph "d".

2 20 Sec. 2. Section 331.231, subsection 5, Code 2003, is
2 21 amended to read as follows:

2 22 5. City-county consolidated form as provided in ~~section~~
2 23 sections 331.247 through 331.252.

2 24 Sec. 3. Section 331.232, subsection 3, Code 2003, is
2 25 amended to read as follows:

2 26 3. An alternative form of county government shall be
2 27 submitted to the ~~county~~ electorate by the commission in the
2 28 form of a charter or charter amendment.

2 29 Sec. 4. Section 331.234, subsections 3 and 4, Code 2003,
2 30 are amended to read as follows:

2 31 3. The board shall make available to the commission in=
2 32 kind services such as office space, printing, supplies, and
2 33 equipment ~~and~~. The county shall pay from the segregated
2 34 account established in subsection 4, the other necessary
2 35 expenses of the commission including compensation for
3 1 secretarial, clerical, professional, and consultant services.
3 2 The total annual expenses, not including the value of in-kind
3 3 expenses, to be paid from public funds shall not exceed one
3 4 hundred thousand dollars or an amount equal to thirty cents
3 5 times the population of the commission area, according to the

3 6 most recent certified federal census. The commission may
3 7 employ staff as necessary.

3 8 4. ~~The expenses of the commission may be paid from the~~
~~3 9 general fund of the county shall be paid by each city and~~
~~3 10 county participating in the charter process~~ or from any
3 11 combination of public or private funds available for that
3 12 purpose. Each city's share shall be its pro rata share of the
3 13 expenses based upon the ratio that the population of the city
3 14 bears to the total population in the county. The county's
3 15 share shall be its pro rata share of expenses based upon the
3 16 ratio that the population of the unincorporated area of the
3 17 county bears to the total population of the county. The
3 18 amount paid by each city and county participating in the
3 19 charter process shall be deposited in a segregated account
3 20 maintained by the county. The commission's annual expenses
3 21 may exceed the amount in subsection 3 only if the excess is
3 22 paid from private funds. If a proposed charter is submitted
3 23 to the electorate, private funds donated to the commission may
3 24 be used to promote passage of the proposed charter.

3 25 Sec. 5. Section 331.235, Code 2003, is amended to read as
3 26 follows:

3 27 331.235 COMMISSION PROCEDURES AND REPORTS.

3 28 1. Within sixty days after its organization, the
3 29 commission shall hold at least one public hearing for the
3 30 purpose of receiving information and material which will
3 31 assist in the drafting of a charter. Notice of the date,
3 32 time, and place of the hearing shall be given as provided in
3 33 chapter 21. If the commission is created pursuant to section
3 34 331.264, subsection 4, the hearing shall be held thirty days
3 35 after submission of the preliminary report to the board,
4 1 pursuant to section 331.264, subsection 3.

4 2 2. Within nine months after the organization of the
4 3 commission, the commission shall submit a preliminary report
4 4 to the board, which report may include the text of the
4 5 proposed charter. If a proposed charter is included in the
4 6 preliminary report, the report shall also include an analysis
4 7 of the fiscal impact of the proposed charter. Sufficient
4 8 copies of the report shall be made available for distribution
4 9 to residents of the county who request a copy. The commission
4 10 shall hold at least one public hearing after submission of the
4 11 preliminary report to obtain public comment. This subsection
4 12 does not apply if the commission is created pursuant to
4 13 section 331.264, subsection 4.

4 14 3. Within twenty months after organization, the commission
4 15 shall submit the final report to the board. If the commission
4 16 is created pursuant to section 331.264, subsection 4, the
4 17 commission shall submit the final report to the board within
4 18 five months after submission of the preliminary report to the
4 19 board pursuant to section 331.264, subsection 3. A commission
4 20 created pursuant to section 331.264, subsection 4, may adopt a
4 21 motion granting itself a sixty-day extension of time for
4 22 submission of its final report. If the commission recommends
4 23 a charter including a form of government other than the
4 24 existing form of government, the final report shall include
4 25 the full text and an explanation of the proposed charter, a
4 26 statement of whether the elected officers shall be elected on
4 27 a partisan or nonpartisan basis, an analysis of the fiscal
4 28 impact of the proposed charter, any comments deemed desirable
4 29 by the commission, and any minority reports. The final report
4 30 may recommend no change to the existing form of government and
4 31 that no charter be submitted to the electorate, in which case,
4 32 the report shall state the reasons for and against a change in
4 33 the existing form of government. The final report shall be
4 34 made available to the residents of the county upon request. A
4 35 summary of the final report shall be published in the official
5 1 newspapers of the county and in a newspaper of general
5 2 circulation in each participating city.

5 3 4. The commission is dissolved on the date of the general
5 4 election at which the proposed charter is submitted to the
5 5 electorate. However, if a charter proposing the city=county
5 6 consolidated form or the community commonwealth form is
5 7 adopted, the commission is dissolved on the date that the
5 8 terms of office of the members of the governing body for the
5 9 alternative form of government commence. If a charter is not
5 10 recommended, the commission is dissolved upon submission of
5 11 its final report to the board.

5 12 Sec. 6. Section 331.237, subsection 1, Code 2003, is
5 13 amended to read as follows:

5 14 1. ~~If a~~ The board shall direct the county commissioner of
5 15 elections to submit to the registered voters of the county the
5 16 question of whether the proposed charter for county government

5 17 shall be adopted. The proposed charter for county government
5 18 ~~is~~ may be submitted at the general election or at a special
5 19 election held on the day of the regular city election. To be
5 20 submitted at the general election, the proposed charter must
5 21 be received not less than five working days before the filing
5 22 deadline for candidates for county offices specified in
5 23 section 44.4 for the next general election, ~~the board shall~~
5 24 ~~direct the county commissioner of elections to submit to the~~
5 25 ~~registered voters of the county at the next general election~~
5 26 ~~the question of whether the proposed charter shall be adopted.~~
5 27 A summary of the proposed charter or amendment shall be
5 28 published in the official county newspapers and in a newspaper
5 29 of general circulation in each participating city, if
5 30 applicable, at least ten but not more than twenty days before
5 31 the date of the election. If a majority of the votes cast on
5 32 the question is in favor of the proposal, the proposal is
5 33 adopted.

5 34 Sec. 7. Section 331.237, subsection 2, paragraph a, Code
5 35 2003, is amended to read as follows:

6 1 a. The adopted charter shall take effect July 1 following
6 2 the ~~general~~ election at which it is approved unless the
6 3 charter provides a later effective date. If the adopted
6 4 charter calls for a change in the form of government, officers
6 5 to fill elective offices shall be elected in the general
6 6 election in the even-numbered year following the adoption of
6 7 the charter. Those county officers holding office at the time
6 8 of the adoption of the charter shall continue in office until
6 9 the general election in the even-numbered year following the
6 10 adoption of the charter. If the charter provides that one or
6 11 more elective offices are combined, the board of supervisors
6 12 shall appoint one of the elective officers of the combined
6 13 offices to serve until the general election in the even=
6 14 numbered year. If the charter calls for the elimination of an
6 15 elective office, that elective officer's term of office shall
6 16 expire on the date the adopted charter takes effect.

6 17 Sec. 8. Section 331.237, Code 2003, is amended by adding
6 18 the following new subsection:

6 19 NEW SUBSECTION. 4. Subsections 2 and 3 do not apply to
6 20 the city-county consolidated form of government or the
6 21 community commonwealth form of government.

6 22 Sec. 9. Section 331.238, Code 2003, is amended by adding
6 23 the following new subsection:

6 24 NEW SUBSECTION. 4. Subsections 1 and 2 do not apply to
6 25 the city-county consolidated form of government or the
6 26 community commonwealth form of government.

6 27 Sec. 10. Section 331.244, Code 2003, is amended by adding
6 28 the following new subsection:

6 29 NEW SUBSECTION. 3. This section does not apply to the
6 30 city-county consolidated form of government.

6 31 Sec. 11. Section 331.247, Code 2003, is amended to read as
6 32 follows:

6 33 331.247 CITY=COUNTY CONSOLIDATION FORM.

6 34 1. ~~A county and one or more cities within the county may~~
6 35 ~~unite to form a single unit of local government in accordance~~
7 1 ~~with this part. A commission appointed pursuant to section~~
7 2 ~~331.233A may propose a charter under which a county and one or~~
7 3 ~~more cities within the county may unite to form a single unit~~
7 4 ~~of local government, or may propose a charter under which a~~
7 5 ~~county and one or more cities within the county may form a~~
7 6 ~~combined governance structure for the county and such cities~~
7 7 ~~in accordance with this part. The charter shall declare~~
7 8 ~~whether the form is a merger of a county and one or more~~
7 9 ~~cities to form a single unit of local government or whether~~
7 10 ~~the form establishes a combined government structure of a~~
7 11 ~~county and one or more cities. Either option proposed shall~~
7 12 ~~be referred to as a city-county consolidated form of~~
7 13 ~~government. If more than fifty percent of the population of a~~
7 14 ~~city resides within the affected county, it is a city within~~
7 15 ~~the county for the purposes of this section and may continue~~
7 16 ~~its status as a city within the county even if the population~~
7 17 ~~of such city falls below the fifty percent threshold in a~~
7 18 ~~future census.~~

7 19 2. ~~An alternative form of government, including a charter~~
7 20 ~~form, for a consolidated unit of government may be submitted~~
7 21 ~~to the voters only by a commission established under this~~
7 22 ~~chapter. A majority vote by the charter commission is~~
7 23 ~~required for the submission to the electorate of an~~
7 24 ~~alternative form of government for a consolidated unit of~~
7 25 ~~local government proposed charter for a city-county~~
7 26 ~~consolidated form of government. The charter commission~~
7 27 ~~submitting a consolidated form shall issue a final report and~~

~~7 28 proposal.~~

~~7 29 3. An alternative form of government for a A city=county
7 30 consolidated unit of local government form of government does
7 31 not need to include more than one city. A city shall not be
7 32 included unless the city participates in the commission
7 33 process, and a majority of the electors of the affected city
7 34 voting approves the proposed charter for the consolidated
7 35 government.~~

8 1 4. If an alternative form of government for a consolidated
8 2 unit of local government is proposed, approval of the
8 3 consolidation charter shall be a separate ballot issue from
8 4 approval of the alternative form of government in those cities
8 5 proposed to be included in the consolidation. Adoption of the
8 6 consolidation charter requires the approval of a majority of
8 7 the votes cast in the entire county. A city named on the
8 8 ballot is included in the consolidation if the proposed
8 9 charter is approved by a majority of the votes cast in the
8 10 city. The consolidation charter shall be effective in regard
8 11 to a city government only if a majority of the voters of the
8 12 city voting on the question voted for participation in the
8 13 consolidation charter.

8 14 5. A city may request to join an existing city=county
8 15 consolidated government by resolution of the city council or
8 16 upon petition of eligible electors of the city equal in number
8 17 to at least twenty=five percent of the persons who voted at
8 18 the last general election for the office of governor or
8 19 president of the United States, whichever is fewer regular
8 20 city election. Within fifteen days after receiving a valid
8 21 petition, the city council of the petitioning city shall adopt
8 22 a resolution in favor of participation and shall immediately,
8 23 within ten days of adoption, forward the resolution to the
8 24 legislative governing body of the city=county consolidated
8 25 government. If a majority of the city=county consolidated
8 26 legislative governing body of the city=county consolidated
8 27 government approves the resolution, the question of joining
8 28 the city=county consolidated government shall be submitted to
8 29 the electorate of the petitioning city within sixty days after
8 30 approval of the resolution.

8 31 6. a. If a charter is adopted, it may be amended at any
8 32 time by one of the following methods:

8 33 (1) The governing body of the city=county consolidated
8 34 form of government, by resolution, may submit a proposed
8 35 amendment to the voters at a general election or at a special
9 1 election, and the proposed amendment becomes effective upon
9 2 approval by a majority of those voting.

9 3 (2) The governing body of the city=county consolidated
9 4 form of government, by ordinance, may amend the charter.
9 5 However, within thirty days following publication of the
9 6 ordinance, if a petition valid under the provisions of section
9 7 331.306 is filed with the governing body of the city=county
9 8 consolidated form of government, the governing body must
9 9 submit the charter amendment to the voters at a special
9 10 election and, in such an event, the amendment becomes
9 11 effective only upon approval of a majority of those voting
9 12 within the city=county consolidated area.

9 13 (3) If a petition valid under the provisions of section
9 14 331.306 filed with the governing body of the city=county
9 15 consolidated form of government, proposing an amendment to the
9 16 charter, the governing body must submit the proposed amendment
9 17 to the voters at a general election or at a special election
9 18 and, in such an event, the amendment becomes effective only
9 19 upon approval of a majority of those voting within the city=
9 20 county consolidated area.

9 21 b. If an election is held, the governing body shall submit
9 22 the question of amending the charter to the electors in
9 23 substantially the following form:

9 24 Should the amendment described below be adopted for the
9 25 city=county consolidated charter of (insert name of county and
9 26 of each consolidated city)?

9 27 The ballot must contain a brief description and summary of
9 28 the proposed amendment.

9 29 c. An amendment shall not adopt an alternative form of
9 30 county government but an amendment may allow the governing
9 31 body of a city=county consolidated form of government that has
9 32 a combined governance structure to adopt a city=county
9 33 consolidated form of government under which a county and one
9 34 or more cities within the county unite to form a single unit
9 35 of local government.

10 1 Sec. 12. Section 331.248, subsection 1, Code 2003, is
10 2 amended to read as follows:

10 3 1. The charter commission proposing consolidation a city=

10 4 ~~county consolidated form of government shall prepare, adopt,~~
10 5 ~~and submit cause to be submitted to the voters a consolidation~~
10 6 ~~the charter including an alternative form of government.~~

10 7 Sec. 13. Section 331.248, subsection 2, Code 2003, is
10 8 amended to read as follows:

10 9 2. The ~~consolidation~~ charter for a city=county
10 10 ~~consolidated form of government shall:~~

10 11 a. Provide for adjustment of existing bonded indebtedness
10 12 and other obligations in a manner which will provide for a
10 13 fair and equitable burden of taxation for debt service.

10 14 b. Provide for establishment of service areas, except that
10 15 formation of a city=county ~~consolidation government~~
10 16 ~~consolidated form of government~~ shall not affect the
10 17 assignment of electric utility service territories pursuant to
10 18 chapter 476, and shall not affect the rights of a city to
10 19 grant a franchise under chapter 364.

10 20 c. Provide for the transfer or other disposition of
10 21 property and other rights, claims, assets, and franchises of
10 22 ~~local governments the county and each city~~ consolidated under
10 23 the alternative form.

10 24 d. Provide the official name of the city=county
10 25 ~~consolidated unit of local government form of government.~~

10 26 e. Provide for the transfer, reorganization, abolition,
10 27 absorption, and adjustment of boundaries of all existing
10 28 boards, bureaus, commissions, agencies, special districts, and
10 29 political subdivisions of the city=county consolidated form of
10 30 government.

10 31 f. ~~Include other provisions which the county charter~~
10 32 ~~commission and the city charter commission elect to include~~
10 33 ~~and which are not inconsistent with state law. Provide for~~
10 34 ~~the exercise of home rule power and authority not inconsistent~~
10 35 ~~with state law.~~

11 1 g. Provide for a governing body of an odd number of
11 2 members, not less than five, but which may exceed the number
11 3 of members specified in sections 331.201, 331.203, and
11 4 331.204. The titles of the members of the governing body
11 5 shall be determined by the charter.

11 6 h. Provide for a representation plan for the governing
11 7 body which representation plan may differ from the
11 8 representation plans provided in section 331.206 and in
11 9 chapter 372. If the plan calls for representation by
11 10 districts and the charter has been approved in a county whose
11 11 population is one hundred eighty thousand or more, the plan
11 12 shall be drawn pursuant to section 331.210A, subsection 2,
11 13 paragraph "f". The initial representation plan for such a
11 14 county shall be drawn as provided in section 331.210A,
11 15 subsection 2, paragraph "f", within ninety days after the
11 16 election at which the charter is approved. For the initial
11 17 representation plan, the charter commission shall assume the
11 18 role of the governing body for purposes of this paragraph and
11 19 section 331.210A, subsection 2, paragraphs "d" through "f".

11 20 i. Provide for the initial compensation for members of the
11 21 governing body and for a method of changing the compensation.

11 22 j. Notwithstanding section 331.238, subsection 3, provide
11 23 whether the election of its officers shall be on a partisan or
11 24 nonpartisan basis.

11 25 Sec. 14. Section 331.248, Code 2003, is amended by adding
11 26 the following new subsection:

11 27 **NEW SUBSECTION.** 4. The consolidation charter may include
11 28 other provisions which the commission elects to include and
11 29 which are not irreconcilable with state law. These provisions
11 30 may include but are not limited to the following:

11 31 a. Provide for a method of selecting officers of the
11 32 governing body and fixing their terms of office which may
11 33 differ from the requirements of sections 331.208 through
11 34 331.211 and the provisions of chapter 372.

11 35 b. Provide for meetings of the governing body and rules of
12 1 procedure which may differ from the requirements of section
12 2 331.213, except that the meetings shall be scheduled and
12 3 conducted in compliance with chapter 21.

12 4 c. Provide for combining the duties of elected officials
12 5 of the county, for eliminating elected offices and the
12 6 assumption of the duties of those offices by appointed
12 7 officials, and for adding to, deleting, or otherwise changing
12 8 the duties of officials, elected or otherwise, of the county
12 9 and each consolidated city.

12 10 d. Provide for the organization of city and county
12 11 departments, agencies, or boards. The organization plan may
12 12 provide for the abolition or consolidation of a department,
12 13 agency, board, or commission and the assumption of its powers
12 14 and duties by the governing body or by another department,

12 15 agency, board, or commission. This paragraph does not apply
12 16 to the board of trustees of a county hospital.
12 17 e. Provide for a method for the governing body or another
12 18 office to exercise the powers and duties of the township
12 19 trustees, in lieu of their election or appointment.
12 20 Sec. 15. Section 331.249, Code 2003, is amended to read as
12 21 follows:
12 22 331.249 EFFECT OF CONSOLIDATION.
12 23 1. ~~a. The consolidation of one or more cities and one or~~
12 24 ~~more counties shall create a unified government which includes~~
12 25 ~~a municipal corporation and a county. A city=county~~
12 26 ~~consolidated form of government under which a county and one~~
12 27 ~~or more cities within the county unite to form a single unit~~
12 28 ~~of local government shall create a unified government which~~
12 29 ~~includes a municipal corporation and a county. The~~
12 30 ~~consolidated unit shall have the separate status of a county~~
12 31 ~~and a city for all purposes and shall constitute two political~~
12 32 ~~subdivisions, a consolidated city and a county, under combined~~
12 33 ~~governance. The consolidated unit shall retain one separate~~
12 34 ~~constitutional debt limitation with respect to its status as a~~
12 35 ~~city and a separate constitutional debt limitation with~~
13 1 ~~respect to its status as a county.~~
13 2 ~~b. The governing body of a city=county consolidated form~~
13 3 ~~of government under which a county and one or more cities~~
13 4 ~~within the county form a combined governance structure shall~~
13 5 ~~have, with respect to the county, the power and authority of~~
13 6 ~~the board of supervisors of a county, and, with respect to~~
13 7 ~~each city, the power and authority of the city council of a~~
13 8 ~~city. Each consolidated city and the county constitute~~
13 9 ~~separate political subdivisions. Each consolidated city and~~
13 10 ~~the county shall retain a separate constitutional debt~~
13 11 ~~limitation and shall each have the authority to issue bonds~~
13 12 ~~and incur financial obligations in accordance with the~~
13 13 ~~provisions of state law applicable to a city or a county,~~
13 14 ~~respectively.~~
13 15 2. ~~The city=county consolidated unit of local government~~
13 16 ~~form of government may include an area which is located in~~
13 17 ~~another county, but which is within the corporate boundaries~~
13 18 ~~of one of the consolidated cities. County services shall may~~
13 19 ~~be provided in the extra=county area and taxes to fund those~~
13 20 ~~services shall may be collected in the extra=county area by~~
13 21 ~~the consolidated government, to the extent permitted by the~~
13 22 ~~Constitution of the State of Iowa. In addition to the right~~
13 23 ~~to vote in the county of residence, electors residing in the~~
13 24 ~~extra=county area shall have the right to vote on any matter~~
13 25 ~~related to the city=county consolidated unit of local form of~~
13 26 ~~government, including election of its officials governing~~
13 27 ~~body.~~
13 28 If a city=county consolidation charter is proposed, within
13 29 ninety days following the final report of the commission, a
13 30 resident or property owner of the commission area proposed to
13 31 be consolidated may bring an action in district court for
13 32 declaratory judgment to determine the legality of the proposed
13 33 charter and to otherwise declare the effect of the charter.
13 34 The court shall expedite its review and determination in this
13 35 matter. The referendum on the proposed charter shall be
14 1 stayed during pendency of the action and for such additional
14 2 time during which the proposed charter or its enabling
14 3 legislation does not conform to the Constitution or laws of
14 4 the State of Iowa. If in its final judgment the court
14 5 determines that the proposed charter fails to conform to the
14 6 Constitution or laws of this state, the commission shall have
14 7 a period of six months in which to revise and resubmit the
14 8 proposed charter.
14 9 3. All provisions of law authorizing contributions of any
14 10 kind, in money or otherwise, from the state or federal
14 11 government to counties and cities shall remain in full force
14 12 with respect to each city and the county comprising a city=
14 13 county consolidated local form of government.
14 14 4. The adoption of the city=county consolidated form of
14 15 government does not alter any right or liability of the county
14 16 or consolidated city in effect at the time of the election at
14 17 which the charter was adopted.
14 18 5. All departments and agencies of the county and of each
14 19 consolidated city shall continue to operate until their
14 20 authority to operate is superseded by action of the governing
14 21 body.
14 22 6. Upon the effective date of the adopted charter, the
14 23 county shall adopt the city=county consolidated form of
14 24 government by ordinance, and shall file a copy with the
14 25 secretary of state and maintain available copies for public

14 26 inspection.

14 27 7. Members of the governing body of the county and of each
14 28 consolidated city shall continue in office until the members
14 29 of the governing body of the city-county consolidated form of
14 30 government have been elected and sworn into office, at which
14 31 time the offices of the former governing bodies shall be
14 32 abolished, and the terms of the members of the former
14 33 governing bodies shall be terminated. During the period
14 34 between the effective date of the charter and the election and
14 35 qualification of the elected members of the new governing
15 1 body, the former governing bodies of each consolidated city
15 2 and of the county shall continue to perform their duties and
15 3 shall assist in planning the transition to the city-county
15 4 consolidated form of government.

15 5 8. If a city-county consolidation charter is submitted to
15 6 the electorate but is not adopted, another charter shall not
15 7 be submitted to the electorate for at least two years from the
15 8 date of the election at which the charter was rejected. If a
15 9 city-county consolidation charter is adopted, a proposed
15 10 charter for another alternative form of county government
15 11 shall not be submitted to the electorate for at least six
15 12 years from the date of the election at which the charter was
15 13 adopted.

15 14 Sec. 16. Section 331.250, Code 2003, is amended to read as
15 15 follows:

15 16 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.
15 17 The consolidation charter shall provide for the delivery of
15 18 services to specified areas of the ~~consolidated local~~
15 19 ~~government county and of each consolidated city.~~ The
15 20 governing body of the consolidated government shall ~~administer~~
15 21 ~~supervise the administration of~~ the provision of services in
15 22 each of the designated service areas and shall have the
15 23 authority to determine the boundaries of the service areas.
15 24 For each service provided by the consolidated government, the
15 25 consolidated government shall assume the same statutory
15 26 rights, powers, and duties relating to the provision of the
15 27 service as if ~~the county or~~ the member city were itself
15 28 providing the service to its citizens.

15 29 Sec. 17. Section 331.251, Code 2003, is amended to read as
15 30 follows:

15 31 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED
15 32 ~~UNIT GOVERNMENT.~~

15 33 ~~Within two years after ratification of the consolidation,~~
15 34 ~~the governing body of the consolidated unit of local~~
15 35 ~~government shall revise, repeal, or reaffirm all rules,~~
16 1 ~~ordinances, and resolutions in force within the participating~~
16 2 ~~county and cities at the time of consolidation. Each rule,~~
16 3 ~~ordinance, or resolution in force within a county or within a~~
16 4 ~~city at the time of consolidation shall remain in force within~~
16 5 ~~the former geographic jurisdiction that county or within that~~
16 6 ~~city until superseded by action of the new governing body,~~
16 7 ~~unless the rule, ordinance, or resolution is in conflict with~~
16 8 ~~a provision of the charter, in which case, the charter~~
16 9 ~~provision shall supersede the conflicting rule, ordinance, or~~
16 10 ~~resolution.~~ Ordinances and resolutions relating to public

16 11 improvements to be paid for in whole or in part by special
16 12 assessments shall remain in effect until paid in full.

16 13 Sec. 18. Section 331.252, Code 2003, is amended to read as
16 14 follows:

16 15 331.252 FORM OF BALLOT == CITY-COUNTY CONSOLIDATION.

16 16 The question of city-county consolidation shall be
16 17 submitted to the electors in substantially the following form:

16 18 Should the ~~corporate existence and governments of the~~
16 19 ~~county of and the cities of and be~~
16 20 ~~consolidated into one joint city-county corporation government~~
16 21 ~~charter described below be adopted for (insert name of county~~
16 22 ~~and each city proposing to consolidate)?~~

16 23 If section 331.247, subsection 4, applies, the following
16 24 question shall be placed on the ballot of each participating
16 25 city:

16 26 Should the (name of city or second county) participate in
16 27 the consolidation charter?

16 28 The ballot must contain a brief description and summary of
16 29 the proposed charter ~~or amendment.~~

16 30 Sec. 19. Section 331.254, subsection 7, Code 2003, is
16 31 amended to read as follows:

16 32 7. The merger of the elective offices of each
16 33 consolidating county with the election of new officers within
16 34 sixty days after the effective date of the charter which shall
16 35 specifically provide whether the election of new officers
17 1 shall be on a partisan or nonpartisan basis, notwithstanding

17 2 section 331.238, subsection 3. The elections shall be
17 3 conducted by the county commissioner of elections of each
17 4 county. No primary election shall be held. Nominations shall
17 5 be made pursuant to section 43.78 and chapters 44 and 45, as
17 6 applicable, except that the filing deadline shall be forty
17 7 days before the election.

17 8 Sec. 20. Section 331.260, subsection 2, Code 2003, is
17 9 amended to read as follows:

17 10 2. A charter proposing a community commonwealth as an
17 11 alternative form of government may be submitted to the voters
17 12 only by a commission established under section 331.232. A
17 13 majority vote by the commission is required for the submission
17 14 of a charter proposing a community commonwealth as an
17 15 alternative form of local government. The commission
17 16 submitting a community commonwealth form of government shall
17 17 issue a final report and proposal. ~~If an alternative form of~~
~~17 18 government for a community commonwealth form of local~~
~~17 19 government is proposed, approval of the commonwealth charter~~
~~17 20 shall be a separate ballot issue from approval of the~~
~~17 21 alternative form of government in those cities proposed to be~~
~~17 22 included in the commonwealth. The commonwealth charter shall~~
~~17 23 be effective in regard to a city government only if a majority~~
~~17 24 of the voters of the city voting on the question voted for~~
~~17 25 participation in the commonwealth charter. Adoption of the~~
17 26 proposed community commonwealth charter requires the approval
17 27 of a majority of the votes cast in the entire county. A city
17 28 named on the ballot is included in the community commonwealth
17 29 if the proposed community commonwealth charter is approved by
17 30 a majority of the votes cast in the city.

17 31 The question of forming a community commonwealth shall be
17 32 submitted to the electorate in substantially the same ~~form~~
17 33 manner as provided in section 331.247, subsection 4, and
17 34 section 331.252.

17 35 Sec. 21. Section 331.261, subsection 2, Code 2003, is
18 1 amended to read as follows:

18 2 2. An elective legislative body established in the manner
18 3 provided for county boards of supervisors under sections
18 4 331.201 through 331.216 and ~~section 331.238~~ 331.248,
18 5 subsection 2.

18 6 Sec. 22. Section 331.261, subsection 11, Code 2003, is
18 7 amended to read as follows:

18 8 11. ~~The partisan~~ Notwithstanding section 331.238,
18 9 subsection 3, whether the election of community commonwealth
18 10 government officials shall be on a partisan or nonpartisan
18 11 basis.

18 12 Sec. 23. Section 331.261, unnumbered paragraph 2, Code
18 13 2003, is amended to read as follows:

18 14 The community commonwealth charter may include other
18 15 provisions which the commission elects to include and which
18 16 are not inconsistent irreconcilable with state law, including,
18 17 but not limited to, those provisions in section 331.248,
18 18 subsection 4.

18 19 Sec. 24. Section 331.262, Code 2003, is amended by adding
18 20 the following new subsections:

18 21 NEW SUBSECTION. 1A. The adoption of the community
18 22 commonwealth form of government does not alter any right or
18 23 liability of the county or member city in effect at the time
18 24 of the election at which the charter was adopted.

18 25 NEW SUBSECTION. 1B. All departments and agencies of the
18 26 county and of each member city shall continue to operate until
18 27 their authority to operate is superseded by action of the
18 28 governing body.

18 29 NEW SUBSECTION. 1C. All ordinances or resolutions in
18 30 effect remain effective until amended or repealed, unless they
18 31 are irreconcilable with the adopted charter.

18 32 NEW SUBSECTION. 1D. Upon the effective date of the
18 33 adopted charter, the county shall adopt the community
18 34 commonwealth form of government by ordinance, and shall file a
18 35 copy with the secretary of state and maintain available copies
19 1 for public inspection.

19 2 NEW SUBSECTION. 1E. Members of the governing body of the
19 3 county and of each member city shall continue in office until
19 4 the members of the governing body of the community
19 5 commonwealth form of government have been elected and sworn
19 6 into office, at which time the offices of the former governing
19 7 bodies shall be abolished, and the terms of the members of the
19 8 former governing bodies shall be terminated. During the
19 9 period between the effective date of the charter and the
19 10 election and qualification of the elected members of the new
19 11 governing body, the former governing bodies of each member
19 12 city and of the county shall continue to perform their duties

19 13 and shall assist in planning the transition to the community
19 14 commonwealth form of government.

19 15 NEW SUBSECTION. 1F. If a community commonwealth charter
19 16 is submitted to the electorate but is not adopted, another
19 17 charter shall not be submitted to the electorate for at least
19 18 two years from the date of the election at which the charter
19 19 was rejected. If a community commonwealth charter is adopted,
19 20 a proposed charter for another alternative form of county
19 21 government shall not be submitted to the electorate for at
19 22 least six years from the date of the election at which the
19 23 charter was adopted.

19 24 Sec. 25. NEW SECTION. 331.264 LOCAL GOVERNMENT
19 25 ORGANIZATION REVIEW COMMITTEE.

19 26 1. A local government organization review committee may be
19 27 created in a county. The committee shall be composed of the
19 28 following members:

19 29 a. Three city council members appointed by the city
19 30 council of each participating city with a population of
19 31 twenty-five thousand or more.

19 32 b. Three county supervisors appointed by the county board
19 33 of supervisors.

19 34 c. One city council member appointed by each participating
19 35 city with a population of less than twenty-five thousand.

20 1 d. One member shall be appointed by each state legislator
20 2 whose legislative district is located in the county if a
20 3 majority of the constituents of that legislative district
20 4 reside in the county. However, if a county does not have a
20 5 state representative's legislative district which has a
20 6 majority of a state representative's constituency residing in
20 7 the county, the state representative having the largest
20 8 plurality of constituents residing in the county shall appoint
20 9 a member. The member appointed by each state legislator shall
20 10 be a person who is not holding elected office and who is a
20 11 resident of the legislative district of the state legislator.
20 12 If any portion of a legislative district is in the
20 13 unincorporated area of the county, the member appointed by
20 14 that legislator shall be a resident of the unincorporated area
20 15 of the county.

20 16 e. Three members appointed by the township trustees of all
20 17 the townships in the county and an additional member appointed
20 18 by the township trustees for each five percent of the total
20 19 population of the county residing in the unincorporated area
20 20 of the county. The members shall be residents of the
20 21 unincorporated area of the county and shall be persons who are
20 22 not holding elected office other than that of township
20 23 trustee. The county auditor shall determine the date and
20 24 location for a meeting of the township trustees of all the
20 25 townships in the county at which meeting the appointments
20 26 shall be made and shall provide written notice of the meeting
20 27 to the trustees. The meeting shall be held in accordance with
20 28 chapter 21.

20 29 Organization and expenses of the committee are subject to
20 30 section 331.234 as if the committee were a city-county
20 31 consolidation or community commonwealth commission. Sections
20 32 69.16 and 69.16A shall not apply to the committee. However, a
20 33 city allowed more than one appointment shall balance its
20 34 appointments in accordance with sections 69.16 and 69.16A,
20 35 when possible.

21 1 2. Members shall be appointed to the organization review
21 2 committee within thirty days after any of the following
21 3 occurs:

21 4 a. The county board of supervisors and each city council
21 5 in the county adopt a joint resolution calling for appointment
21 6 of members to the committee and files the resolution with the
21 7 county board of supervisors.

21 8 b. The county board of supervisors in a county adopts a
21 9 resolution calling for appointment of members to the
21 10 committee.

21 11 c. A petition signed by eligible electors of the county
21 12 equal in number to at least twenty-five percent of the votes
21 13 cast in the county for the office of president of the United
21 14 States or governor at the preceding general election or the
21 15 signatures of at least ten thousand eligible electors of the
21 16 county, whichever number is fewer, is filed with the county
21 17 board of supervisors.

21 18 3. Within seven months after the organization of the
21 19 organization review committee, the committee shall submit a
21 20 preliminary report to the county board of supervisors with a
21 21 recommendation as to what the committee believes to be the
21 22 best proposal for an alternative form of government for the
21 23 county. The auditor's office shall make the report available

21 24 to the public upon request. A summary of the report shall be
21 25 published in the official newspapers of the county and in a
21 26 newspaper of general circulation in each participating city.
21 27 4. If the committee report recommends a city=county
21 28 consolidation or community commonwealth, the committee shall
21 29 continue its existence and be designated, and operate with the
21 30 powers and duties of, a commission created pursuant to section
21 31 331.233A. If the committee report recommends a multicounty
21 32 consolidation, the committee shall continue its existence and
21 33 be designated, and operate with the powers and duties of, a
21 34 commission created pursuant to section 331.233. If the
21 35 committee recommends an alternative form of government, that
22 1 recommendation shall state whether elections conducted under
22 2 that form of government shall be partisan or nonpartisan.
22 3 5. This section does not apply to a county in which a
22 4 charter commission has been established and is operating as of
22 5 July 1, 2003.

22 6 Sec. 26. Section 372.1, Code 2003, is amended by adding
22 7 the following new subsections:
22 8 NEW SUBSECTION. 7. City=county consolidated form as
22 9 provided in sections 331.247 through 331.252.
22 10 NEW SUBSECTION. 8. Community commonwealth as provided in
22 11 sections 331.260 through 331.263.

22 12 Sec. 27. Section 372.2, unnumbered paragraph 1, Code 2003,
22 13 is amended to read as follows:

22 14 ~~¶ Unless otherwise provided by law, a city may adopt a~~
22 15 ~~different form of government not more often than once in a~~
22 16 ~~six=year period. A different form, other than a home rule~~
22 17 ~~charter, or special charter, city=county consolidated form of~~
22 18 ~~government, or community commonwealth must be adopted as~~
22 19 follows:

22 20 Sec. 28. IMPLEMENTATION OF ACT. Section 25B.2, subsection
22 21 3, shall not apply to this Act.

22 22 Sec. 29. EFFECTIVE AND APPLICABILITY DATES. This Act,
22 23 being deemed of immediate importance, takes effect upon
22 24 enactment and applies to charter commissions in existence on
22 25 the effective date of this Act.

22 26
22 27
22 28
22 29 _____
22 30 MARY E. KRAMER
22 31 President of the Senate

22 32
22 33
22 34 _____
22 35 CHRISTOPHER C. RANTS
22 36 Speaker of the House

23 1
23 2 I hereby certify that this bill originated in the Senate and
23 3 is known as Senate File 390, Eightieth General Assembly.

23 4
23 5
23 6
23 7 _____
23 8 MICHAEL E. MARSHALL
23 9 Secretary of the Senate

23 9 Approved _____, 2003

23 10
23 11
23 12 _____
23 13 THOMAS J. VILSACK
23 14 Governor